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1. 8 Tilleke & Gibbins 法律事務所への質問書及び回答書

※質問書は、Domnern Songiat & Boonma 法律事務所へのものと同じ

The questions to Tilleke & Gibbins

1. Office Overview

[1] Could you tell us the following staff information in your firm?

- Total number of the staff
- Each number of *qualified* people (i.e. total number of *attorneys at law*, number of *attorneys at law in charge of intellectual properties, patent technicians*) and the number of support staff except for the above people
- Each number of technical staff related to invention patents, petty patents, design patents, trademarks and copyrights
- Each number of your staffs who handle mechanical engineering, telecommunication, chemistry and bio-technology

We have a total of 422 employees in all of our offices, with 154 staff in charge of IP related matters, comprising 37 lawyers, 13 patent agents, 29 trademark attorneys, and 75 supporting staff, in our IP Department in our Bangkok office.

- The number of Japanese staff or Japanese usable staff (if exists)

We have 3 Japanese staff / Japanese usable staff.

- The number of Ex-examiners, ex-examiners at appeal board and ex-judges (if exists)

There are no ex-examiners or ex-examiners at appeal board. We have one employee who is a former Judge of the Central Intellectual Property & International Trade Court, who is currently a Partner in our IP Department.

[2] As for the business of your firm, could you inform us of the following items and how amount Japanese companies account for in each item(%)? Could you also inform us of technical fields related to invention patent for which your firm handles most frequently and/or in which your firm has the strongest skills?

From 2012-2014, the ten invention types we filed patents for the most were Mechanical Engineering, Industrial Chemistry, Pharmaceutical Chemistry, Electrical Engineering, Computer, Metallurgical Engineering, Biochemistry, Textile Engineering, Food Science & Technology, and Electronics.

- The work ratio of IP applications and IP litigations

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Year	IP Applications	IP Litigation Cases
2012	7,448	32
2013	7,150	27
2014	7,350	29

According to our records, we have 93 Japanese clients having 182 litigation cases opened with our firm during 2012-2014.

Each proportion of invention patents, petty patents, design patents and trademarks in total IP applications in your firm

Year	Invention	Design	Petty	Trademark
2012	2,439	301	37	4671
2013	2,045	370	32	4703
2014	2,170	348	48	4784

- Each proportion of invention patents, petty patents, design patents, trademarks and copyrights in total IP litigations in your firm

Litigation Cases filed by T&G from 2012 to 2014

	2012	2013	2014	Total by Type
Invention	-	1	1	2
Design	-	-	1	1
Petty	-	1	-	1
Patent (unidentified type of patent)	-	1	2	3
Copyrights	3	-	5	8
Trademark	29	24	20	73
Total by Year	32	27	29	88

The number of Japanese companies is shown in question 3.

- [3] As for the business of your firm, could you inform us of the number of applications in the 2014 fiscal year?
- Patents (from domestic companies)
 - Patents (from foreign companies)
 - Petty patents (from domestic companies)
 - Petty patents (from foreign companies)
 - Design patents (from domestic companies)
 - Design patents (from foreign companies)

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- Trademarks (from domestic companies)
- Trademarks (from foreign companies)

Country	Design	Intention	Petty	Trademark
Japan	136	1,173	16	815
Thailand	5	34	2	223
Others	228	1,213	35	4,064
Total	369	2,420	53	5,102

- [4] Could you inform us of the numbers of oppositions (Article 31, etc. of the Patent Law), appeals (Article 72, etc. of the Patent Law), and revocation litigations (Article 54, etc. of the Patent Law) with regard to patents handled by your firm since 2000?

There has been a small number of oppositions and appeals filed at the IP office. Similarly, we handled only a few cases relating to oppositions, appeals and revocation.

- [5] Could you inform us of the number of infringement litigations handled by your firm since 2000 with regard to following area?

- Patents
- Petty patents
- Design patents
- Trademarks
- Copyrights

Litigation Cases from 2000 to 2014 filed by T&G

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Invention	2	1	2	1	4	8	1	1	3	2	1	-	-	1	1	28
Design	-	-	3	1	4	1	1	-	1	-	-	-	-	-	1	12
Petty	-	-	-	-	2	-	1	1	1	-	-	-	-	1	-	6
Patent (unidentified type of patent)	-	-	-	-	-	-	-	-	-	2	1	1	-	1	2	7
Copyrights	-	-	-	-	5	1	-	5	2	-	1	1	3	-	5	23
Trademark	7	15	30	40	19	34	38	46	36	22	18	18	29	24	20	396

IP Infringement Cases from 2000-2014

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
Invention	2	3	2	2	6	3	3	1	2	7	1	2	1	2	2	39
Design	8	3	1	2	1	3	1	1	-	-	1	-	-	-	1	22
Petty	-	-	-	-	1	-	1	-	-	-	1	2	1	-	-	6
Patent (unidentified type of patent)	1	4	3	6	1	10	9	9	7	10	4	6	6	4	8	88
Copyrights	102	57	50	57	64	28	24	13	19	8	7	7	3	12	8	459
Trademark	230	161	127	178	156	184	419	383	273	207	226	206	191	216	215	3372

- [6] Could you inform us of the strength of your firm as compared to the other firm?

Tilleke & Gibbins is Thailand's largest independent multiservice law firm. We offer a full range of services through our general corporate, commercial, litigation, and intellectual property practice. We are a one-stop center for all IP services, including registration and enforcement, commercialization, litigation, government relations, and regulatory affairs.

Our high-caliber practice is internationally recognized in anti-counterfeiting, IP litigation, strategic filing advice, and commercial IP work. In addition, our practice extends beyond Thailand, as our offices in Hanoi and Ho Chi Minh City can provide a range of services in Vietnam. In addition, Tilleke & Gibbins also has branch office in Laos, Cambodia, Myanmar and Indonesia as well. Our team consists of several qualified lawyers capable of providing legal services, including IP registration and consultation. We are also able to foresee the problems that might occur and suggest solutions.

2. Patents Prosecution

- (1) Regarding examination system

- [7] Delay in the examination of patent applications in Thailand is sometimes problematic. Could you inform us of effective means, if any, which applicants can take in order to accelerate the examination?

The effective means to accelerate the examination is filing a request of PPH or ASPEC when requesting the substantive examination. Under either system, a first office action will be issued within 6 months from the requesting date.

- [8] Could you inform us of statistic data regarding the number of PPH and ASPEC? Please also inform us of the time period from requesting PPH or ASPEC to patent registration.

We have gathered and assessed the data of the PPH program and would like to report to you what we have found. The data for a number of applications participating in the PPH Program from February to September 2014 and the first response that we received from the Thai Patent Office are provided below:

Applications in the PPH Program as of March 2015

Month to participate in the PPH program	Total	Response by 6 months	Response after 6 months	No response after 6 months
02/2014	3	3		
03/2014	5	4		1
04/2014	5	1	4	
05/2014	0			

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06/2014	2	1		1
07/2014	6	5		1
08/2014	4	3		1
09/2014	3	1		
10/2014	3			
11/2014	6	1		
12/2014	0			
01/2015	6			
02/2015	4			
03/2015	3			

Remarks:

Response by 6 months: The first response is issued by 6 months.

Response after 6 months: The first response is issued after 6 months.

No response after 6 months: No response is issued after 6 months.

- [9] Do you think there is any case that examination for normal cases not requesting PPH are postponed because of a lot of PPH applications and further delay is occurring?

No. The number of PPH requests is not so high that it would affect the examination of normal examinations for other applications.

- [10] Could you inform us of any effective means for applicants which allows applications to be published earlier?

The timing of an application to be published would be 18 months from the filing date, if it is not delayed.

- [11] Regarding Article 27 of the Patent Law, when should we submit the foreign examination results? If we have examination results for a plurality of corresponding foreign applications, should we submit them for all of these countries?

According to Section 27 of the Thai Patent Act B.E. 2522 and Clause 13 of Ministerial Regulation No. 22, if a corresponding application was filed in a foreign country, the applicant must submit the examination report, or any document showing the result of the examination of the corresponding application, along with the Thai translation, to the Thai Patent Office within 90 days from the date of receipt. The Director-General may extend the deadline as he/she deems appropriate.

If the corresponding application was filed in multiple foreign countries, the applicant must submit the examination report that was issued by the first country in which the application was filed or the country prescribed by the Director-General. Failure to submit the required document within the stipulated deadline will result in the Thai application being deemed

abandoned. The document must indicate the name of the issuing office/organization, the name of the applicant, the filing date of the application, the International Patent Classification, the field of the invention in which the application was examined, relevant prior art, and the Examiner's findings.

For an examination report (or document showing the result of the examination) sent to us that is not in English, please provide us with the English translation. We may also require your instructions to:

- prepare the Thai translation; and
- submit the examination report, including the Thai translation, to the Thai Patent Office as soon as possible.

- [12] We understand that a patent applicant can use systems of "priority examination" and "accelerated examination". Could you inform us of the following issues concerning "priority examination" and "accelerated examination".
- a) In order to request a priority examination, the fact of infringement is supposed to be proved. Specifically, what materials should we collect in order to allow the priority examination smoothly?
 - b) In order to request an accelerated examination, results of foreign examination and its Thai translations thereof need to be submitted. Of which country should we submit the results of examination? Are the results of substantive examination for *any* country sufficient? In addition, are the documents to be submitted sufficient only for the final examination results? Do documents relating to prosecution history (search report, notice of reasons for rejection, response documents, etc.) and the Thai translations also need to be submitted? Could you inform us of guidelines on the documents to be submitted, if any?
 - c) In the case of a national entry to Thailand from a PCT international phase, if we have obtained search results affirming (positive) patentability in the preliminary search report of the international phase, can you request an accelerated examination on the basis of this search report?

Accelerated examination: The response above also applies to this question.

Priority examination:

There is no "priority examination" in the Patent Act or any regulation. However, the substantive examination of a Thai application can be expedited if the following supporting documents are provided: (1) the examination results issued in the corresponding foreign application; (2) a patent granted therefrom, if any; (3) a set of Thai claims amended to follow the granted claims of the patent that is submitted together with an Explanatory Letter containing compelling reasons as to why the

examination should be accelerated. For example, a compelling reason could be that the applicant's invention has been infringed and the applicant would like to receive a patent as soon as possible so that he/she can take legal action against the infringer.

The submission of (1) the examination results issued in the corresponding foreign application, (2) a patent granted therefrom, and (3) a set of Thai claims amended to follow the granted claims of the patent that is submitted will facilitate the substantive examination. When a Thai application with a priority claim proceeds to the substantive examination stage, we always request documents (1) to (3) from our clients for filing with the Thai Patent Office for the Examiner's reference and further action. Please note that the examination of these Thai applications does not get accelerated and these applications must queue up for the substantive examination. By contrast, if none of documents ((1) to (3)) are submitted, the Examiner will generally issue an Office Action requesting the documents.

- [13] Could you inform us of any effective methods for getting the right earlier except for the "priority examination" or "accelerated examination" (for example, setting an interview after we have submitted foreign examination results)?

The response above also applies to this question.

- [14] Could you inform us as to how the interview can be used in the examination? Could you inform us of any merits of the interview and points to be noted when an applicant or Japanese companies use it.

The process of an interview with the examiner is not required in the substantive examination. The examiner does not request a face-to-face interview with an applicant. On the contrary, the patent applicant may request a meeting with the examiner in order to explain the special characteristics of the invention applied for patent to request the granting of the patent faster. However, this procedure will depend totally on the discretion of such examiner in-charge whether she/he will allow the meeting and/or agree to use such information in consideration to grant a patent.

- [15] Are there any difference in the speed of the examination among technical fields (i.e. IPC)?

No.

- (2) Subject of protection by the invention patents and petty patents

- [16] According to Article 9 of the Patent Law, novel microorganisms screened from the soil and extracts from plants and animals are not patentable. Why microorganisms screened from the soil and extracts from plants and animals are not protected? Are "Foods and drinks which contain

microorganisms or extracts" protected? Could you inform us of any method for reciting claims effective for protecting microorganisms or extracts?

Based on the practice of the Thai Patent Office, microorganisms screened from soil and plant and animal extracts are not protected by a patent, because these subjects are not considered man-made inventions; they are products of nature. They are considered to be naturally occurring substances rather than human intellectual creations.

By contrast, any processes or methods used for extracting or screening the microorganisms from their surrounding could be patentable under Thai law, provided that the processes or methods are new and involve an inventive step (i.e. being non-obvious to a person skilled in the same field of technology).

Foods and drinks which contain naturally occurring microorganisms or extracts can be protected by a patent so long as the patent claims do not directly refer to the microorganisms *per se*. In other words, the claims must refer to the foodstuff and beverages that contain microorganisms. An example of a claim to foods or drinks could be: "A food product comprising..."

- [17] Could you inform us of recent operation in software (computer program) inventions or software-related inventions with regard to patentability issue or inventive step?

Computer program

If the invention is related solely to a computer program, it will not be patentable and will be rejected by the Patent Office. However, if there are other inventive elements of the machine or components whose inventiveness does not rely solely on the computer program (and there is unity of invention), the invention may qualify for protection.

Most business method inventions deal with processes either implemented by or with the assistance of a computer program, so no actual products exist for the inventions. This may also be the case for a computer implemented invention where the claimed invention resides solely within software. Computer implemented inventions may often also entail a combination of hardware and software. Under Section 9(3) of the Thai Patent Act, a computer implemented invention in the form of a software program on its own would not be patentable. However, a computer implemented invention which comprises software installed in hardware may be patentable, provided the claims are not directed solely to the computer software.

While Thai law permits both process and product patents, processes related to business methods do not fall within the scope of a patentable “process” which is defined in Section 3. The pertinent Section part of 3 is set out below for your information:

“process” means any method, art or process of producing a product, maintaining or improving its quality, or adapting it to a better condition, including the application of such process”.

According to the above section a patentable process would include:

- (1) A production process such as process of manufacturing a medicament;
- (2) A process of maintaining the product such as process of preserving food; and
- (3) Use/application of such process.

On the other hand, computer implemented inventions which entirely reside in software are clearly contrary to Section 9(3), which describes unpatentable inventions under the current Thai Patent Act. The section, as translated, reads as follows:

“Section 9

The following inventions are not protected under the Act:

- 1) microorganisms which naturally exist and their components, animals, plants or extracts from animals or plants;
- 2) scientific and mathematical rules and theories;
- 3) computer programs;
- 4) methods for diagnosis, treating or curing human or animal diseases;
- 5) inventions which are contrary to public order or morality, public health or welfare.”

In our experience, some applications relating to certain elements of business methods go through to the publication phase without issuance of an Office Action, while others get objected to in the preliminary examination stage. If the invention is a business method or a computer program, then objections will certainly be raised.

- [18] [Can an application be rejected for the reason that the application does not have novelty over prior application\(s\) which is/are not published at the time of the filing of the application? In such a case, does the judgment differ whether the applicant is the same or not as the prior application\(s\)?](#)

Section 6 of the Thai Patent Act provides that an invention is new if it does not form part of the state of the art. The state of the art also includes an invention, the subject matter of which was described in a document or

printed publication, displayed or otherwise disclosed to the public, in this or a foreign country before the date of the application for a patent.

According to this section, an application cannot be rejected for the reason that it does not have novelty over a prior application which is/are **not** published at the time of the filing of the application.

It is interesting to note that the so-called “whole-contents” concept does not exist under Thai patent jurisprudence. The “whole-contents” provides that the prior art includes matter contained in an application for another patent which was published on or after the priority date of the claimed invention. The lack of this concept under Thai law means that the whole contents of the earlier application are not used to compare with the subject-matter of the later patent application for the novelty purpose, regardless of whether they are laid open for public inspection before or after the priority date of the later.

(3) Criteria on the inventive step

- [19] According to the Supreme Court of Thailand, the term "person skilled in the art" refers to the "person skilled in the art in Thailand", and that this criterion is applied regardless of the inventor's birthplace. Is this understanding right? Please give us a brief outline of the Supreme Court decision on the above view of "person skilled in the art".

According to Section 7 of the Thai Patent Act, “an invention shall be taken to involve an inventive step if it is not obvious to a person ordinarily skilled in the art.” A person ordinarily skilled in the art is a hypothetical person whose knowledge and skill will provide a basis for assessing whether the claimed invention involves an inventive step.

A person skilled in the art may be described as a man or a team of persons who is reasonably skillful and familiar with the field of the claimed invention. The skilled person must be able to know the development in the field by his original knowledge or his capability to search for it, but he does not have an innovative capacity as to the alleged invention.

Despite the above commentary, we have been unable to find any Thai Supreme Court cases which specifically address this issue, or claim that a “person skilled in the art” should be thought of as a skilled person in Thailand. Similarly, the DIP’s guidelines manual also does not include a discussion of how to conceive of the nationality of a “person skilled in the art.” In addition, a creation of a separate standard for Thai patents would have the consequence of making the enforceability of Thai patents abroad much less likely, and would weaken Thailand’s patent system.

- [20] If you know the other cases in which judgment on the inventive step was at issue in the litigation, could you inform us of its contents.

In Thai Supreme Court Decision 4131/2536, the Court held that there was no evidence that the Defendant's strainer was more effective than, or that it solved any problems not addressed by, prior patents. For example, the Defendant used water pressure to control the water passing between two strainers by installing one strainer higher than the other. As water naturally flows from higher elevations to lower elevations, this invention was obvious to a person skilled in the art.

In Thai Supreme Court Decision 7732/2538, the Court held that the iron curtain blind of the Plaintiff was slightly different from the one described in a UK patent. One side of the Plaintiff's curtain was folded, whereas in the UK patent both sides were folded. The Plaintiff's invention was also used in the same way as the UK patent, and there was no evidence that it was more effective. Thus, it was obvious to a person skilled in the art, and so it did not utilize an inventive step.

While we have found some cases which discuss the inventive step issue, none of them did so by referring to a "person skilled in the art" in Thailand.

- [21] [As for the so-called "secondary consideration" in the United States, we have heard that it is effective for allowing the inventive step to be admitted in Thailand as well. How much explanation is necessary for allowing the inventive step in an examination or litigation?](#)

Secondary considerations are examples of objective evidence that may assist the tribunal in determining whether a claimed invention is non-obvious. These considerations are "made on a case-by-case basis, and the mere fact that an applicant has presented evidence does not mean that the evidence is dispositive of the issue of obviousness."¹

Some common secondary considerations include whether the claimed invention solved a long-felt need; other inventors tried to solve the problem, but were not successful; the claimed invention has had particular commercial success; the claimed invention produced unexpected technical effects or results; the claimed invention offers a surprisingly simple solution; the claimed invention has been copied by others in preference to the prior art.²

In Thailand, there is no clear burden of proof on this issue, nor is presentation of such evidence a guarantee of success. However, as with other areas of law, if a petitioner can show there is a substantial amount of evidence demonstrating that the invention is novel, he is more likely to increase the probability that his patent application will not be rejected on obviousness grounds.

¹ WIPO Standing Committee on the Law of Patents, ¶ 116.

² *Id.* at ¶ 117.

(4) Divisional application

[22] We have heard that the Examiner can notify a demand for divisional application only during the substantial examination after the request for examination has been made. Until when the applicant can request a divisional application? Does the operation allow to file a divisional application even after the patent is granted as far as the registration fee is not yet paid? Please give us examples or any general notification from the Patent Office.

Your understanding is correct. The Examiner can demand a divisional application only during the substantial examination. A divisional application can be filed by the applicant within 120 days from the date of receiving the Notification, but cannot be filed after a decision to grant a patent is issued and after the registration fee has been paid.

According to Thai patent practice, please be advised that the Examiner's instructions about the voluntary amendment can be received if the applicant copies the corresponding patents where the arbitrary claims it is based on are submitted completely along with the Thai translation of the amended claims that conform to those of the corresponding patents.

The Examiner needs these documents for examination and may issue an instruction to file a divisional application, as the Thai examination will be based on the examination reports issued in the examining country. Thus, it is necessary for you to provide us with copies of the corresponding patents for which a divisional application is supposed to be filed in Thailand which will meet the Examiner's requirements.

For your information, we quote the relevant provision under the Thai Patent Act.

Section 26

During the examination of an application, if it appears that the application relates to several distinct inventions which are not so linked as to form a single inventive concept, the competent officer shall give a notice to the applicant requiring him to separate the application into a number of applications, each of which relates to a single invention.

If the applicant files any of the separated applications within one hundred and eighty days following the receipt of such notice under the preceding paragraph, he shall be deemed to have filed that application on the filing date of his first application.

The application shall be separated in accordance with the rules and procedures provided by the Ministerial Regulations.

If the applicant does not agree with the requirement to separate the application, he shall appeal to the Director-General within one hundred and twenty days. The decision of the Director-General shall be final.

- [23] Article 26 of the Patent Law provides that, if the application does not satisfy a unity, the application shall be demanded to divide into a plurality of applications. If examiner regards that a divisional application does not also satisfy a unity even after the division is made, is it possible to file a further divisional application? When such a division is made, is there any possible limit?

Under Article 26 of the Patent Act, a further divisional application cannot be filed after a division has been made by the parent application with the instructions of the Examiner. This is because a divisional application has already covered a single invention, or has satisfied a unity requirement as instructed.

(5) Opposition

- [24] Could you inform us of the approximate cost of the opposition (Article 31) (please break down the cost into the Official cost and the attorney fees). Please be advised that our estimated costs for filing a notice of Opposition are categorized below:

Our counsel fee for filing Opposition = THB 18,000
(minimum) (based on the time spent)

Government fee for filing Opposition = THB 250

The above fees do not include expenses or 7% VAT.

- [25] Could you inform us of each percentage of reasons to be contested in the opposition (reasons: novelty, inventive step, industrial applicability, misappropriated application, employee's invention etc.) relative to the total cases of the opposition?

An opposition procedure can be invoked during the publication stage. Any interested party may, within 90 days from the date of publication, file an opposition to an application.

The notice of opposition must contain the grounds upon which it is based and must be accompanied by supporting evidence.

The grounds for opposition are as follows:

- (1) the opposing party has a better right;

(2) the invention does not meet patentability requirements;

(3) the invention is a subject matter that is explicitly prohibited from patent protection;

(4) the applicant is not entitled to apply for a patent; and

(5) the applicant is not eligible to file an application, such as the case in which an employee develops an invention in the course of his employment.

In our experience, industrial applicability, misappropriated application, and employee's invention have never been used as grounds to oppose an application.

Please find below statistics on applications that we filed and received an office action relating to novelty and inventive step issues, categorized by year and type of application (invention application; design application; petty patent application):

	Invention	Design	Petty	Total
2005	4	-	-	4
2008	13	4	-	17
2009	17	5	-	22
2010	4	2	-	6
2011	9	5	-	14
2012	10	-	-	10
2013	15	7	2	24
2014	13	6	2	21
2015	10	1	-	11

- [26] [The Patent Law \(Article 34\) provides that the misappropriated application \(applied by not a real inventor\) can be regained by the opposition but by what procedure can a misappropriated application be regained if the opposition period has elapsed?](#)

Within 90 days from the date of publication of an application, any interested party may file an opposition opposing the grant of a patent to the applicant on ground that he/she is not an inventor and is not entitled to a patent.

The parties may, during the opposition proceedings, file additional evidence or statements. The opposition is to be decided upon by the Director-General of the Patent Office. If the decision rejecting the application is not appealed, or if the rejection is upheld in the appellate proceedings, either by the Board of Patent or a competent court (as

applicable), the opposing party shall have the rights to file an application in respect of the invention concerned. The application will retain the filing date of the original, rejected application. However, the filing must be done within 180 days after the rejection or after the date that the decision or judgment on the appeal becomes final.

In such a case, the publication of the rejected application will be considered to be the publication of the application of the opposing party. If the opposing party has filed an application as referred to in the foregoing sentence, an opposition against that application, based on the grounds that the party filing that opposition has better rights, cannot be filed. The opposing party, who has filed a patent application in the manner referred, must file an examination request within the prescribed period.

In the case of rejection of an application, an appeal may be lodged with the Patent Board within sixty days. If an application is upheld in opposition proceedings, the opposing party may lodge an appeal with the Patent Board within sixty days. During the appeal proceedings, the Patent Board may require the furnishing of evidence or additional statements. The decision on the appeal will be notified to the appellant and the other parties involved, as appropriate. Furthermore, an appeal against the decision of the Patent Board may be lodged within 60 days with the competent court.

- [27] [Could you teach us about the difference in the respective costs and about the difference in the probability of blocking the grant of patent between oppositions and provision of information?](#)

Pre-grant opposition must be filed within 90 days from the publication date.

However, if the opposition is not filed within 90 days from the publication date, the third party can submit an informal letter to the Thai Patent Office informing the reasons why the application should be rejected. The Examiner may or may not take the letter into consideration.

Fee Estimate

We can submit an informal letter to the Thai Patent Office with no government fee being incurred. Our estimated fees for undertaking this work are as follows:

- Counsel fee for preparing and sending a Notice of Opposition = THB 18,000 (minimum) (based on time spent)
- Translation fee of evidence from English to Thai (documents; cited references, search report/written opinion of this case from other jurisdictions, etc.) = THB 70 per line (USD 2.12 per line)

The above fees do not include other expenses and 7% VAT.

- [28] [Could you inform us of the timing and period in which a voluntary amendment can be made prior to the registration?](#)

It is possible for an applicant to amend the description and claims at any time prior to a patent being granted. However, the amended claims and disclosures must not enlarge or go beyond the scope of the invention as specified in the description and claims as originally filed.

Applicable regulations can be found under Clause 16 of Ministerial Regulation No. 21:

If the applicant wants to amend his application for a patent which does not enlarge the scope of the invention, he shall make a request before the publication of the application, except it is authorized by the Director-General.

- [29] [Can the patent holder amend the claims after the registration? If possible, is there any limitation \(for example, only removal of claims or only narrowing amendment\)?](#)

There is no regulation allowing a patent holder to amend the claims after registration and granting of the patent. However, it is possible for the patentee to surrender a claim or claims.

- (6) Translation

- [30] [Is translation of the application documents to Thai conducted by your firm staff? If your firm staff will conduct translation, how much technical skills do such staff have? Could you inform us, for example, whether they have a degree from technical university/college, or whether they have a work experience in technical companies?](#)

We translate the specifications ourselves. We have a technical translation team which is specialized in a wide range of areas, including electrical and mechanical engineering, computer, civil engineering, chemical engineering, industrial chemistry, biochemistry, pharmaceutical, chemistry, agrochemistry, microbiology, environment, biotechnology, molecular genetics, bioinformatics, chemical medicine, and polymers.

We currently employ about 30 technical specialists who assist us in the translation of patent specifications from English into Thai and also from Japanese into Thai. All of these technical specialists must pass our technical translation test, which will be reviewed and approved by our Deputy Director, Administration & Technical Translations.

All of our technical specialists must have a degree in the specific field of technology for which they will be responsible for translations. We also

have contracted technical translators, who spent a number of years in overseas countries where they gained language experience. Each of our contracted technical translators must pass our test and requirements, particularly a commitment to the completion of work within the timeline we set.

- [31] Could you inform us of any measures for preventing mistranslations by your firm?

We are aware that mistranslation is a problem for many patent applications filed in Thailand. We have heard this from many of our Japanese clients. This has caused us to be more serious and careful in setting up our internal proofreading team. Our Deputy Director of IP, Technical Translation, who is a patent agent, is responsible for this task. She and her team handle checking and proofreading of all translations of specifications prepared by our technical specialists before submitting them to the Patent Office.

- [32] Could you inform us of any measures which Japanese applicants can take in order to prevent mistranslations?

It is our responsibility to prevent the mistranslations, and we are certain that our expertise will allow us to produce a translation of much higher quality than others.

- (7) Deadline management/database

- [33] Because the timing when an application is published in Thailand is not constant, the management of examination deadline seems to be difficult. How does your firm watch or check such timing of patent applications?

We have a system and procedures to track our clients' patent applications and we make all possible attempts to provide our clients with all the development of their application.

- [34] When a divisional application is published after the division is carried out? Please teach us about the examination deadline for the divisional application.

A divisional application will be published after the preliminary examination has been completed. The deadline to file a request for a substantive examination of a divisional application is 5 years from the date of publication. The process of a divisional application is the same as for the parent application.

- [35] We have heard that the granted claims for a third party cannot be checked unless you go to the DIP and browse the file wrapper. Is this understanding correct? Besides, is it possible for the third party to know

whether a specific application has been granted or not (i.e. to know the current status of the application)?

Processing of the patent applications that has been published and the granted patents can be followed via the notifications published in the DIP patent database which is available on the DIP website. If the information cannot be found on the DIP website, the file wrapper may be searched.

- [36] Is there any effective search database for Thailand patents other than the search on the DIP website?

No.

- [37] Is there any database in which we can browse judicial precedents related to IP?

They are available on the website of the IPIT Court and that of the Supreme Court. However, the information is in Thai. We found that the ECAP (the EU-ASEAN Project on the Protection of Intellectual Property Rights) website has English translations.

- [38] The opposition period is limited to three months after the application is published. Therefore, it is required to catch the fact rapidly that a third-party application is published and also to know its contents. In addition, we suppose that the needs to know the final result of examination easily, i.e., whether the application has been registered or not, will increase as the number of intellectual property litigations increases in Thailand. Can the third party know these matters in any simple way?

Third parties may have to rely on services provided by a patent journal, which are available for some specific applications.

- [39] Is there any plan which enables the file wrapper to be browsed and the patent ledger to be confirmed by online? In addition, is there any plan of services which enables electronic filing by online?

The DIP has been improving the website of its patent office in order that all detailed information of patent applications/granted patents are available on the website. It may take a few years for the DIP to complete its new website.

Currently, e-filing of patent application has been implemented. However, it is not a full-scale e-filing system, because copies of the application must still be submitted to the DIP within 2 weeks after the filing date. From our experience using the system, we found that it is not stable and it is rather time consuming to complete the electronic form of an application. We

usually use the e-filing system only in an urgent case, e.g. where the normal filing cannot be done.

(8) Others

[40] Could you inform us of any matters to keep in mind for the Japanese companies to file a patent application in Thailand?

None

[41] If your firm has any request or proposal to Japanese companies, we'll be glad to let us know.

None

3. Enforcement

(1) Patent litigation

[42] Which number is bigger as for the amount of the counterfeited goods in Thailand, with regard to the domestic production or the influx from foreign countries?

There are no official statistics on whether counterfeits of patented products are manufactured locally or abroad. Note that under the Thai law, officers from the Customs Department can seize only copyright and trademark infringing products, not patent infringing products.

[43] Generally, to file a lawsuit, companies will need to collect evidences of infringement. Upon collecting these evidences, what kind of material will be effective?

In patent infringement cases, the evidence to indicate that infringement has taken place is as follows:

- Sample of infringing product
- Copies of invoices evidencing the sale of products
- Advertising and promotional materials, such as catalogues, brochures, posters, newspapers, leaflets, magazines, etc.
- Any materials showing the manufacture of the products, such as investigation results, machines, etc.
- Any other evidence showing production, use, sale, having in possession for sale, or importation of products
- Analysis report on the infringing products with all main claims of registered patent

[44] Could you inform us of the infringement investigation system of your firm (for example, your firm holds an in-house investigation department, or your firm is in cooperation with an external investigation company)?

Our firm has an in-house investigation team.

- [45] It is necessary to prove that the infringement act has been conducted "willfully" in order to pursue criminal responsibility for the infringer(s) of the intellectual property rights, but what evidences do we need to collect specifically?

We would need any evidence showing that the alleged infringer is aware or should have been aware that the act he/she commits is violating the rights of a patent. For example, if a Warning Letter has been sent but the alleged infringer still continues to carry out the infringing activity, such a letter could be evidence supporting the case. Another example is: if the products sold by the patent right holder have "Patented" or "Patent Pending" on their packaging, this can prove that the alleged infringer has committed an infringing act with the knowledge of the existing patent rights.

- [46] Is a notary required for evidences of the infringement, or strongly recommended?

Generally, any foreign evidence must be notarized by a Notary Public and legalized by the Thai Embassy/Consulate in the country of the right holder in order to have it submitted in court.

- [47] For the following two cases, how does your firm obtain the infringing goods? Does your firm make use of an investigation companies usually?
Case 1: If the suspected infringing goods are sold to customers directly in a market
Case 2: If the suspected infringing goods are not sold to customers in a market but only traded between companies

Our firm rarely makes use of investigation companies, as we have our own experienced in-house investigation team. In Case 1, the investigator could pretend to be a customer and buy the infringing goods directly. In Case 2, the investigator could pretend to be a representative of another specific company in the same business and the traded companies.

- [48] Generally, how long does it take from filing litigation to decision from court? With regard to a period length for trial, is there any difference among patents, petty patents, designs, and trademarks?

In civil cases, it can take approximately two years from the date of filing a litigation action to the decision of IP&IT Court. In criminal cases however, it takes approximately three years from filing a private criminal action directly with the IP&IT Court to the decision of the IP&IT Court. A criminal action can be initiated with a filing of a criminal complaint with police. The police will take an estimated six months for their investigation. Then the police will forward the case to the Public Prosecutor who usually takes up to two to three additional months to consider the case. If it is found that

the case has legal grounds, the prosecutor will file a complaint with the IP&IT Court. The Court then takes about one year to reach a decision.

There is no significant difference among patents, petty patents, designs, and trademark cases. Generally, it depends on the workload of the IP&IT Court in a specific period of time.

- [49] We have heard that there is an increasing trend of the cases in which invention patents and petty patents are involved in recent years. Could you inform us of any trends of cases in which invention patents and petty patents are involved? Besides, could you inform us of the overview of the case handled by your firm? (countries of the patent holder, court, technical fields, infringement facts and specific action there against, etc.)

Since petty patents are easier to obtain, cases which involve petty patents have increased significantly in recent years. Our firm handles patent infringement cases for patent owners from different countries, including Japan, United States, Germany, Switzerland, Thailand, etc. Every patent case must be brought to IP&IT Court. Some cases continue to reach the Supreme Court. There are various technical fields and case fact patterns that our firm handles.

For your information, statistics related to patent infringement cases brought to the Intellectual Property and International Trade Court (“IP&IT Court”) from 2003-2014 are shown below.

Year	Patent	
	Criminal	Civil
2014	20	12
2013	23	7
2012	25	9
2011	21	16
2010	16	19
2009	21	20
2008	21	15
2007	27	16
2006	31	16
2005	26	22
2004	25	19
2003	26	12

- [50] Could you inform us of any points to be noted in the enforcements of patent rights? Besides, if you know a case(s) in which the IP right holder bore a responsibility due to the enforcements based on an invalid patents, could you inform us of such case(s). Is it different between the

responsibility of invention patent holder, petty patent holder and design patent holder larger due to the enforcements based on an invalid right? In the trials of patent infringement cases, is it possible for the defendant to claim that the patent right is invalid regardless that it is a civil case or a criminal case? In such a case, does the judge decide whether the patent is valid or invalid in the trial?

In a patent litigation case, when a lawsuit is filed in order to enforce patent rights, it is possible that the Defendant(s) may counterclaim that the patent is invalid, along with their Answer to the Complaint.

Please be advised that there is no difference in the responsibility of an invention patent holder, petty patent holder and design patent holder for enforcement based on an invalid right.

It is possible for the Defendant to claim that the patent right is invalid, regardless of whether it is a Civil Case or a Criminal Case. In a Civil Case, the Defendant can claim that the patent right is invalid by countersuing the Plaintiff. Meanwhile, in a Criminal Case, the Defendant can state in the Answer that the Plaintiff's patent right is invalid.

- [51] We'd like to know how amount any former judicial decision affects latter decision.

Supreme Court decisions set precedence for subsequent rulings. If the decision is from a lower court, there is a possibility that the latter decision may be different from the former judicial decision

- [52] We'd like to know any trends of litigation cases and remarkable example(s) in which invention patents are involved.

In Thailand, in recent years, patent litigations have involved pharmaceutical companies. The originator companies take action against infringing generic products. This may result from several factors, including the current government policy that allows the generic drug manufacturers to apply for registration of generic drugs with the Thai Food and Drug Administration (FDA) before the expiration of a patent covering a particular drug, compulsory license issues, etc.

- [53] Could you inform us of an amount of the assumed expenses (for example, travel expenses and accommodation expenses and per diem of raid investigator(s), disposal costs of seized goods, etc.) needed for enforcing the IP rights against the infringer?

If the target is located in Bangkok or in nearby areas, the estimated cost would be THB 50,000-100,000 (approximately USD 1,471- 2,941) per target. If it is in another province, the cost will depend on the distance. Roughly, the estimates would be approximately THB 120,000-140,000

(approximately USD 3,529-4,118). These estimates do not include 7% VAT.

Our firm's current exchange rate is USD 1.00 to THB 34.00. This rate may vary based on currency fluctuations.

- [54] [Could you inform us on what matters the court judges the doctrine of equivalents? Could you also inform us of any priority order according to which the court puts greater value among them?](#)

Please be advised that the concept of the doctrine of equivalents exists in section 36bis paragraph 2 of the Patent Act B.E. 2522 (1979), which reads as follows:

The scope of protection for a patented invention shall extend to the characteristics of the invention which, although not specifically stated in the claims, in the view of a person ordinarily skill in the pertinent art, have substantially the same properties, functions and effects as those stated in the claims.

In a patent infringement case, the court will apply the doctrine of equivalents after a claim or claims have been construed in order to determine the scope of patent rights. The concept of literary interpretation is no longer part of Thailand's patent jurisprudence.

- [55] [If there is any case which would be helpful for understanding the above criteria among the lawsuits related to the doctrine of equivalents, could you inform us of its contents?](#)

GSI Group Inc. v. Ulmin Enterprise Co., Ltd. involved a device for feeding poultry. The Supreme Court considered the main structure, the functions and the outcomes/benefits of the device. The Court found that even though the Defendant's allegedly infringing device was slightly different from the patented device, the differences were insubstantial, and thus the Defendant's device still fell within the scope of the Plaintiff's patent claims.

In Techniport SA Co., Ltd. v. Intertechnic Systems Co., Ltd., the Supreme Court referred to the second paragraph of Section 36bis and concluded that the Defendant's allegedly infringing process, though different from the patented process, still fell within the scope of the Plaintiff's patent claims, since the product manufactured using the Defendant's process would have substantially the same properties, functions and effects as those of the Plaintiff's patented process.

- [56] [Could you inform us of the number of lawsuits which were contested with respect to the doctrine of equivalents, as well as the breakdown of the judgments in those litigations \(number of judgments which admitted the](#)

doctrine of equivalents, the number of judgments which did not admit the doctrine of equivalents, and others)?

Please be advised that we do not have the above information in our records.

(2) Non-litigation means

[57] An IP right holder can raise a litigation to the CIPITC, and besides right holder has a route of raising an accusation to the Economic Crime Investigation Division (ECID) of the Thai police or to the Centre for Coordination of Deterrence Against Intellectual Property Violation of DIP. Could you inform us of any respective advantages and disadvantages?

Proceedings of IP infringement prosecution can be separated into two major stages, i.e. special police (ECID) and DIP for the first step, and the court for the second step. The first stage will basically be finished in a short period of time compared with the second stage, which may take several years.

However, prosecution in the court is a potential method to warn infringers and other parties who are violating IP rights in bad faith, and to warn the public about the seriousness of IP owners' concerns about the protection of their rights. If the IP owner succeeds in the lawsuit, the Defendant will be subject to imprisonment and the IP owner can further proceed with a civil suit in order to ask for damages.

(3) Arbitration

[58] If you know the number of cases in which arbitration by DIP is utilized per year, could you inform us of the approximate number?

Based on the statistics of the DIP from 2002-2015, 533 cases have been drawn into the DIP's arbitration process. As such, the average number of arbitrated cases per year is 38.

[59] Could you inform us of any advantages and disadvantages in the case of a resolution by arbitration?

ADVANTAGES OF ARBITRATION

1. Avoids hostility

Because the parties in an arbitration are usually encouraged to participate fully and sometimes even to help structure the resolution, they are often more likely to work together peaceably, rather than escalate their hostility toward one another, as is often the case in litigation.

2. Cheaper than litigation

Arbitration is becoming more costly, as more entrenched and more experienced lawyers take up the cause. Also, most parties in arbitrations

will also hire lawyers to help them through the process, adding to their costs. Still, resolving a case through arbitration is usually far less costly than proceeding through litigation, because the process is quicker and generally less complicated than a court proceeding.

3. Faster than litigation

The average time from filing to decision was about 6 months to 1 year in an arbitrated case, while a similar case took from 18 months to 3 years to proceed through the courts.

4. Flexible

Unlike trials, which must be worked into overcrowded court calendars, arbitration hearings can usually be scheduled around the needs and availabilities of those involved, including weekends and evenings.

5. Simplified rules of evidence and procedure

The often convoluted rules of evidence and procedure do not apply in arbitration proceedings -- making them less stilted and more easily adapted to the needs of those involved. Importantly, arbitration dispenses with the procedure called discovery that involves taking and answering interrogatories, depositions, and requests to produce documents -- often derided as a delaying and game-playing tactic of litigation. In arbitrations, most matters, such as who will be called as a witness and what documents must be produced, are handled with a simple phone call.

6. Private

Arbitration proceedings are generally held in private. And parties sometimes agree to keep the proceedings and terms of the final resolution confidential. Both of these safeguards can be a boon if the subject matter of the dispute might cause some embarrassment or reveal private information, such as a company's client list.

DISADVANTAGE OF ARBITRATION

1. Limited recourse

A final decision is hard to change. If the arbitrator's award is unfair or illogical, a consumer may be stuck with it and barred forever from airing the underlying claim in court.

2. Unfair playing field

Some are concerned that the "take-it-or-leave-it" nature of many arbitration clauses work in favor of a large employer or manufacturer when challenged by an employee or consumer who has shallower pockets and less power.

3. Questionable objectivity

Another concern is that the process of choosing an arbitrator is not an objective one, particularly when the decision-maker is picked by an

agency from a pool list, where those who become favorites may get assigned cases more often.

Adding a possible complication, many of the national arbitration groups actively market their services to companies that issue credit cards or sell goods to consumers, casting additional questions on the alleged neutral's objectivity. And an arbitrator chosen by a party within an industry may be less objective, more likely to be biased in favor of the appointing group.

4. Lack of transparency

As mentioned, the fact that arbitration hearings are generally held in private rather than in an open courtroom, and decisions are usually not publicly accessible, is considered a benefit by some people in some situations. Others, however, lament that this lack of transparency makes the process more likely to be tainted or biased, which is especially troublesome because arbitration decisions are so infrequently reviewed by the courts.

- [60] [If you know whether the resolution by arbitration is used for patent infringement cases, could you inform us of that?](#)

Arbitration can be initiated for all types of IP cases, including disputes in patent, trademark, copyright, integrated circuit, trade secrets, geographical indication, trade name, and any other related IP matters, such as licensing agreement, etc.

- (4) Right of prior use

- [61] [Has your firm experienced the work of preservation of evidence?](#)

Yes, we have assisted a Thai company to conduct a patent assessment in another country, which requires research and examination of relevant patent rights available within the country. We also have to assess if the relevant exemptions may be raised against the infringement actions. The exemptions include the prior users' rights.

- [62] [Do you have a notary system for evidences to prove the right of prior use?](#)
There is no notary public system in Thailand. However, the Thai owner of such evidence can request the legalization section of the Ministry of Foreign Affairs to certify such evidence.

- [63] [Is there any case in which exception \(2\) of Article 36 of the Patent Law which provides exception of the exclusive right of the patent holder was applied? Good faith use of the production process is provided in this article. Is there a similar provision for the invention of a product? Or, is there any case in which it is similarly interpreted for the invention of a product?](#)

No.

The Thai Patent Act explicitly recognizes prior user's rights. The legislative recognition of such rights is set out in Section 36 of the Patents Act, amongst 7 enumerated exceptions to the sole rights of patentees as set out in that section. The exception is termed as follows:

[The sole rights of a patentee shall not apply to] ...

manufacture of patented products or application of the patented process wherein the manufacturer or the user, in good faith, has engaged in the production or has acquired the equipment therefore before the date of filing of the patent application in the Kingdom, without knowledge of the registration or without there being suitable grounds for him to know the same...

(5) Others

[64] [Could you inform us of any points for which Japanese companies should be careful in conducting a litigation relating to patent infringement?](#)

These are all included in our answers above.

[65] [Could you inform us of cases in which patents are utilized by Thai companies?](#)

There is no public information available regarding this.

4. Petty Patents

[66] [Many applications by Thailand applicants seem to be petty patents. Petty patents have a feature that they are registered without substantive examination. Could you inform us of any advantages and disadvantages of petty patents in addition to this?](#)

Advantage:

To be eligible for a petty patent, an invention must be new and industrially applicable. It does not have to possess an inventive step. Provided the examiner deems that the invention is new and industrially applicable, the invention under a petty patent application will be accepted for registration. A request for substantive examination is not required. Therefore, it will be faster to obtain a petty patent than an invention patent.

Owners of petty patents, like owners of ordinary patents, will have the exclusive rights to exploit their inventions as well as grant licenses to others.

Disadvantage:

The total term of protection is 10 years from the filing date, which is shorter than for an invention patent.

5. License

- [67] How many cases per year does your firm drafts and/or is your firm asked for advices on License Agreement?

Kindly find the table below showing the number of license agreement cases we handled from 2012-2015 (as of November 9, 2015):

Year	Total
2012	7
2013	13
2014	13
2015	13

- [68] Article 41 of the Patent Law provides an obligation that the license agreement should be registered to the government. Concerning the license agreements handled by your firm, how much proportion was government registered according to Article 41? Is there any change in the trend in recent years?

Our response above applies here as well.

- [69] If the license agreement is not registered, what disadvantage is caused to the patent holder? We have heard that there is a movement of further strengthening the obligation of government registration of the license agreement and providing a punishment for the violation of the registration. Could you inform us of the present and future situations?

Pursuant to Section 41 of the Patent Act B.E. 2522 (A.D. 1979), as amended by Patent Act (No. 2) B.E. 2535 (1992) and Patent Act (No. 3) B.E. 2542 (1999), a license of a Thai patent/patents must be registered with the Thai Patent Office, under the Department of Intellectual Property, Ministry of Commerce. Any patent license agreement which is not duly registered with the Thai Patent Office will be void, and hence, unenforceable under Thai law.

The proposed punishment for the violation of the registration was discussed during the amendment of the Trademark Act. However, this proposal was not agreed or approved by the council of State.

- [70] Article 45 or the like of the Patent Law provides that the Commissioner of DIP shall determine the royalties. If you know the case the Commissioner determined the royalties, could you inform us of that?
No.

6. Others

(1) Employee's invention

[71] [If you know the case related Article 12 of the Patent Law, could you inform us of its contents? \(the amount of the admitted compensation, how it is calculated, etc.\)](#)

There is no case submitted to the Director General of the DIP for the employee compensation.

[72] [In order not to cause the proceedings under Article 12 of the Patent Law, or in order to avoid the expensive compensation in the case of such proceedings being caused, could you inform us what internal regulations a company should make? Could you also inform us of any points to be noted other than the internal regulations? Please also teach us whether it can be a straight-line basis for every case or the amount of compensation need to change depending on the implementation scale as internal regulations?](#)

[73] [Are there any guidelines for the reward money to the inventor?](#)

Response to Q.72 and 73: Calculation of Compensation System

The guideline under the Thai law can be found under Ministerial Regulation No. 24. It provides the considerations for the Director General of the Thai DIP to determine the remuneration which are as follows:

- Responsibility of the employee.
- Industriousness and experience which the employee has used in the invention or design of that product.
- Industriousness and experience which the employee has used in the invention or design of that product together with the employee, including the advice or assistance of the other employee who is not the inventor or joint designer.
- Assistance of the employer in the invention or design of that product. That is no matter by providing finance, advice, recommendation, facilities, preparation or procurement of factors or services for the test, development or making the invention or design of that product to become usable.
- The benefit which the employer has received or will receive from permitting other person to use the invention or design of that product, including the transfer of Patent or Subordinate Patent to other person.
- Number of employees who participated in the invention or design of the product

(2) Patent Law amendment

- [74] [If there is a movement for amending the Thai intellectual property laws and/or Treaty accession, could you also inform us of its content and progress?](#)

Since 2010, the discussion about the proposed amendment of the Patent Act has discontinued. The discussion will start again in the near future.

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The amendments to the Patent Act 1999 that were discussed during the years 2006-2009 are below.

The significant proposed amendments were as follows:

- Partial Design will be added in the definition of “design.” As a result, partial design will be accepted for design patent in Thailand.
- Business method invention that will not result in a product and data systems for the operation of computers will be added in the list of inventions that are not entitled to protection in Thailand.
- The time period for requesting substantive examination will be reduced from five years from the publication date to three years from the publication date.
- Post-grant Opposition will be introduced. The publication will be made after the substantive examination is completed and the patent is granted. This will be open for invalidation of the patent which must be filed within six months from the publication date.
- No substantive examination and no pre-grant opposition for design patents
- Substantive examination of petty patent must be conducted before the patentee will exercise the patent rights
- Recordation of license agreement with the Patent office will be required, instead of registration.
- New Categories for compulsory license of drug patent and drug process patent will be added

- (3) Attorney qualification

- [75] [Is technical background necessary \(for example, doctorate of science or engineering is required\) for being a "lawyer at law" who works as a counsel in litigations or a "Registered Patents Agent" who works as an agent for filing a patent application?](#)

Technical background (for example, doctorate of science or engineering) is not required for being an attorney at law who works as counsel in litigations.

However, education in scientific subjects for at least 9 credits is required to be a Registered Patent Agent who works as an agent for filing a patent application. All registered patent agents must pass the examination organized or approved by the Patent Office and registered with the Patent Office.

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(4) Others

[76] What contents are your firm frequently asked of by companies with regard to IP-related issues?

All of the questions asked in this questionnaire.

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